

4373. Misbranding of "Collins' Ague Remedy," "Swaim's Panacea," and "Swayne's Panacea." U. S. v. James F. Ballard. Plea of guilty. Fine, \$30 and costs. (F. & D. No. 6022. I. S. Nos. 8212-e, 8890-e, 8891-e.)

On August 10, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James F. Ballard, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended:

(1) On or about March 18, 1913, from the State of Missouri into the State of Tennessee, of a quantity of "Collins' Ague Remedy" which was misbranded. This article was labeled: (On carton) "Collins' Anti-Periodic, Anti-Constipation, Fever Chill and Liver Remedy Or Ague Tonic, 33 $\frac{1}{3}$ % Alcohol. Recommended for Biliousness and Constipation. Liver and Kidney Complaints, Chills and Fever, Jaundice, Dyspepsia, Dysentery, Sick Headache, and most forms of Bilious and Malarial diseases. Prepared only by Collins Bros. Medicine Co., James F. Ballard, Prop. St. Louis, Missouri." (On sides of carton) "Collins Fever Remedy exercises a decidedly beneficial effect on the liver, especially where the liver is torpid or functionally deranged. It stimulates the flow of bile and counteracts a jaundiced state of the blood. It also has a strengthening influence in the stomach and digestive organs. It is very important in using this medicine that the directions be faithfully followed. Regulating the dose carefully in accordance with the instructions. The cathartic action of Collins' Fever Remedy is prompt and efficient, and can be easily regulated to suit each case by increasing or diminishing the dose as may be necessary. It is better to begin with the smaller dose and gradually increase the quantity as required. This remedy is composed of substances of great power in correcting disturbed action of the excretory organs. It has a diuretic effect in the kidneys and a purgative influence in the bowels, thereby assisting the removal of malarial poisons from the system. Recommended especially for Chills and Fever, Intermittent Fever, and Ague. Serial No. 664. Guaranteed by James F. Ballard under the Food and Drugs Act, June 30th, 1906." (On bottle) "Collins Ague Remedy, 33 $\frac{1}{3}$ % Alcohol. Directions for Adults. For Chills and Fever, Biliousness, Constipation, Malarial and Swamp Fever, Ague Cake, Jaundice and Stomach or Liver troubles, take a teaspoonful night and morning for two days, stop two days and then begin again and take it two days longer, same as before. In this way you can usually relieve any form of malaria with it. For Bilious Colic and Cholera Morbus, take one-half teaspoonful at first, and if not relieved in fifteen minutes, repeat the dose. For Diarrhoea & Dysentery take one-half teaspoonful, if not relieved in one hour, mix a teaspoonful of the Remedy in half a glass of water, and take one teaspoonful of the mixture every hour, until relief is obtained. Directions for Children. Under 5 years, give from 3 to 5 drops; between 5 & 10 years, give from 10 to 20 drops every 6 hours. Measure your dose, and do not drink from the bottle. Take a swallow of water just before as well as after taking the medicine. Prepared only by James F. Ballard, Successor to Collins Bros. Medicine Co. St. Louis, Missouri. The Ague Remedy acts upon the Liver and Kidneys, usually correcting all disordered action of those organs in a short period. It also serves as a correction for secretions. In every disorder of the system, when a cathartic is required, a dose or two of Ague Remedy usually affords relief, and will be found superior to most other purgative medicines." (Statements in foreign language) (Blown in bottle) "Collins Bro's Med. Co." The circular or pamphlet accompanying the article contained, among other things, the following: "Collins' Ague Remedy. For Chills and

Fever, Biliousness, Dyspepsia, Intermittent and Remittent Fevers, Constipation, Foul Breath, and Liver Troubles. A Remedy That Seldom Fails," "One or two doses are also ordinarily sufficient to relieve the worst cases of Flux or Diarrhoea."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	26.4
Alkaloid, not identified (gram per 100 cc)-----not over--	0.056
Solids (grams per 100 cc)-----	10.55
Ash (gram per 100 cc)-----	0.46
Chlorid, phosphate, sulphate, potassium, sodium, iron, magnesium: Present in small amounts.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "Chill and Liver Remedy * * * Recommended for * * * Chills and Fever, * * * Dysentery, * * * and most forms of * * * Malarial Diseases," "Recommended especially for Chills and Fever, Intermittent Fever * * *," (On bottle) "Collins' Ague Remedy * * * For * * * Swamp Fever, * * * Cholera Morbus * * * Diarrhoea & Dysentery," and included in the circular or pamphlet aforesaid, to wit, "Collins' Ague Remedy * * * For Chills and Fever, * * * Intermittent and Remittent Fevers * * *," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for chills and fever, dysentery, and most forms of malarial diseases, for intermittent, remittent, and swamp fevers, and for cholera morbus and diarrhea, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

(2) On or about March 11, 1913, from the State of Missouri into the State of New York, of a quantity of "Swaim's Panacea" which was misbranded. This article was labeled: (On wrapper) "Serial No. 644. Guaranteed by James F. Ballard under the Food and Drugs Act, June 30, 1906. Refuse imitations. See that the name Swaim ends with M. Swaim's Panacea 4½ Per Cent Alcohol 31-100 Grain Salicylic Acid per Ounce. Druggists Take Notice. The directions for using are pasted on the bottle. Our Trade Marks are registered and we will prosecute to the full extent of the law, any one infringing or copying them. Price Two Dollars Prepared only by Swaim's Laboratory James F. Ballard Proprietor. St. Louis, Missouri, U. S. A. A Remedy. Of value in constitutional or deep-seated diseases of the Blood. This remedy has been in constant use for nearly a century. It was first put up in the form of a prepared medicine by Wm. Swaim in the year 1820. It has never been a heavily advertised preparation. Its continued popularity and general use through all these years is due entirely to its demonstrated power and efficacy in eradicating those obstinate blood diseases (inherited or acquired) which exercise such a destructive influence on the constitution and vitality. Its long and successful record in the treatment of these terrible diseases should be sufficient proof of its merit. Special Notice. The business of Swaim's Laboratory was purchased by James F. Ballard, from Elisa Battanchon Swaim, and moved

from Staten Island, N. Y., to St. Louis, Mo., October 23, 1900. The genuine Swaim's Panacea prepared after October 22, bears this imprint. Swaim's for every Disease of the Blood Panacea. Swaim's Laboratory was established in Philadelphia by Wm. Swaim in 1820 nearly a century ago. It has stood the test of time. The same standard of quality is maintained to-day as was established by its founder. Swaim's Laboratory. James F. Ballard, Proprietor 500-502 North Second St. St. Louis, Mo. U. S. A. Used with Success in the following Diseases: Scrofula, Eczema, Syphilis, Chancre, Catarrh, Blood Poisoning, Pulmonary Diseases, Weak Lungs, Influenza, Chronic Coughs, Anæmia, Ulcers, Carbuncles, Boils, White Swelling, Ache, Pimples, Blotches on the Face, Poison Oak and Ivy. Swelling Of the Knee Or Hip Joint, Ulcerated Mouth or Throat, Disease of the Spine, Diseases of The Bones, Coxalgia, Copper Colored Spots On the Body, Nervousness, Debilitated Constitution, Sciatica and Neuralgia. It is Especially Beneficial in Acute or Chronic Rheumatism." (On bottle) "Swaim's Contains 4½% Alcohol 31-100 Grains Sylicylic acid to the ounce. Prepared by Swaim's Laboratory James F. Ballard, Prop., St. Louis,—Missouri Panacea." (On back) "Directions:—For Adults: Two tablespoonfuls twice a day after meals for the first ten days, then take the dose three times a day. Children 2 to 5 years 10 to 15 drops, 6 to 12 years a teaspoonful, 13 to 18 years a tablespoonful. Avoid liquors. Keep the bowels open with Herrick's Pills." (Blown in bottle) "Trade Mark Swaim's Panacea Established 1820 St. Louis, Mo." The circular or pamphlet accompanying the article contained, among other things, the following: "Swaim's Panacea for Deep-Seated or Constitutional Diseases of the Blood," "Swaim's Panacea is effective in all diseases of the blood, including any disease that is directly dependent on a diseased or impure state of the blood. The following is a partial list of them being those which occur most frequently:—Scrofula, Syphilis, Eczema, Chronic Catarrh, Chancre, Poison Oak and Ivy, Acne, Anæmia, Ulcers, White Swelling, Swelling of the Knee, or Hip Joint, Copper Colored Spots on the surface of the body, Influenza and Pulmonary Diseases, Ulcerated mouth or throat, Boils, Carbuncles, Rheumatism, Sciatica, Contagious Blood Poisoning, Coxalgia and Disease of the Spine. Whenever the blood is at fault Swaim's Panacea is the remedy. It reaches down even to hereditary taints, drives out the poison, cleanses and vitalizes the weak, polluted blood and brings about healthful conditions," "Swaim's Panacea is a remedy of great efficacy in long-standing Rheumatic diseases, Eruptions of the skin White Swelling, Diseases of the Bones, or those of an Ulcerous Character. It is particularly useful in the chronic nervous complaints occurring in debilitated constitutions. In incipient or chronic Catarrh it is invaluable. Catarrhal affections find a fertile field for development only where the blood is poor and lacking in vital constituents. In such cases the constitution must be built up and the vitality of the system restored before the disease can be eradicated, for which purpose Swaim's Panacea will be found most effectual. All those who are predisposed to pulmonary complaints or lung diseases of which consumption is the chief, asthmatic affections or those who have inherited or acquired Syphilitic poison in the blood, and whose health is broken down by the use of mercury, arsenic or quinine will find in Swaim's Panacea the help they need to shake off disease or the evil effects of these powerful drugs. In complicated cases of Scrofula and in cases where the virus of the parent has caused a development of Scrofula in the child it is all-powerful in eradicating the poisons which are lurking in the blood," "It possesses a further valuable quality in that it so acts on the blood as to bring it back to its original purity, strength and quality."

Analysis of a sample of the article by said Bureau of Chemistry, showed the following results:

Alcohol (per cent by volume)-----	4.8
Solids (per cent)-----	62.3
Sucrose (per cent)-----	58.5
Ash (per cent)-----	0.38
Salicylic acid (gram per 100 cc)-----	0.10
Alkaloids (gram per 100 cc)-----	0.005
Potassium-----	Present.
Iodids-----	Absent.
Sarsaparilla-----	Present.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit; "A Remedy. Of value in constitutional or deep-seated diseases of the Blood," "Its continued popularity * * * is due entirely to its demonstrated power and efficiency in eradicating these obstinate blood diseases (inherited or acquired)," "Swaim's Panacea for every disease of the blood," "Used with success, in the following Diseases: Scrofula, Eczema, Syphilis, Chancre, Catarrh, Blood Poisoning, Pulmonary Diseases, Weak Lungs, Influenza, * * * Anæmia, Ulcers, Carbuncles, * * * White Swelling * * * Disease of the Spine, Diseases of the Bones, Coxalgia, Copper Colored Spots on the Body, * * * Sciatica and Neuralgia," and included in the circular or pamphlet aforesaid, to wit, "Swaim's Panacea for Deep-Seated or Constitutional Diseases of the Blood," "Swaim's Panacea is effective in all diseases of the blood, including any disease that is directly dependent on a diseased or impure state of the blood. The following is a partial list of them being those which occur most frequently:—Scrofula, Syphilis, Eczema, Chronic Catarrh, Chancre, * * * Anæmia, Ulcers, White Swelling, * * * Copper Colored Spots on the surface of the body, Influenza and Pulmonary Diseases, * * * Carbuncles, * * * Sciatica, * * * Coxalgia and Disease of the Spine. Whenever the blood is at fault Swaim's Panacea is the remedy. It reaches down even to hereditary taints, drives out the poison, cleanses and vitalizes the weak, polluted blood and brings about healthful conditions," "Swaim's Panacea is a remedy of great efficiency in * * * White Swelling, Diseases of the Bones * * *. In incipient or chronic Catarrh it is invaluable. Catarrhal affections find a fertile field for development only where the blood is poor and lacking in vital constituents. In such cases the constitution must be built up and the vitality of the system restored before the disease can be eradicated, for which purpose Swaim's Panacea will be found most effectual. All those who are predisposed to pulmonary complaints or lung diseases of which consumption is the chief, asthmatic affections or those who have inherited or acquired Syphilitic poison in the blood, and whose health is broken down by the use of mercury, arsenic or quinine will find in Swaim's Panacea the help they need to shake off disease * * *. In complicated cases of Scrofula and in cases where the virus of the parent has caused a development of Scrofula in the child it is all-powerful in eradicating the poisons which are lurking in the blood," "It possesses a further valuable quality in that it so acts on the blood as to bring it back to its original purity, strength and quality," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the

impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy and panacea for constitutional or deep-seated diseases of the blood; as a panacea in all diseases of the blood, including any disease directly dependent on a diseased or impure state of the blood, in eradicating obstinate blood diseases inherited or acquired; as a panacea for every disease of the blood; for the treatment of catarrh; for the treatment of and cure of scrofula, eczema, syphilis, chancre, blood poisoning, pulmonary diseases, weak lungs, influenza, anemia, ulcers, carbuncles, white swelling, disease of the spine, diseases of the bones, coxalgia, copper-colored spots on the body, sciatica, and neuralgia; as a cure for chronic catarrh; as a remedy for hereditary taints; for the relief of incipient and chronic catarrh, pulmonary complaints, and lung diseases, consumption, asthmatic affections, and inherited or acquired syphilitic poisoning of the blood; as a remedy in complicated cases of scrofula and in cases where the virus of the parent has caused a development of scrofula in the child; and effective in so acting on the blood as to bring it back to its original purity, strength, and quality, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

(3) On or about April 25, 1913, from the State of Missouri into the State of New York, of a quantity of "Swayne's Panacea" which was misbranded. This article was labeled: (On wrapper) "Serial No. 664. Guaranteed by James F. Ballard under the Food and Drugs Act, June 30, 1906. Swayne's Panacea. 4-1/2% Alcohol. 31/100 Grain Salicylic acid to the ounce. This Old Established Remedy has attained a famous reputation as a purifier of the blood. It has few equals for diseases of the blood. Full Directions Around the Bottle. Price two dollars. Prepared only by James F. Ballard St. Louis Missouri. Successor to Dr. Swayne & Son, Philadelphia, Pa." (On bottle) "To prevent counterfeiting Genuine James F. Ballard Successor to Dr. Swayne & Son Philadelphia. Swayne's Panacea Alcohol 4-1/2 per cent. For Blood Diseases An effective treatment for Scrofula, Ulcerous Sores, White Swelling, Syphilis, Disintegration of the Bones, General Debility, Nervous Weakness, Failing Flesh, Rheumatism, Skin Eruptions, Boils, Carbuncles, Ulcerated Sore Throat, Hip Joint Disease, Pale Bloodless Complexion, Pimples and Blotches on the face. Directions for taking. Adults: from one to two tablespoonfuls at each dose. Young people 16 to 20 years, one tablespoonful; Children 10 to 16 years, half a tablespoonful. Five to ten years, one to two teaspoonfuls. Three to five years, 3-4 to a full teaspoonful. One to three years, ten drops to half a teaspoonful. Always take the medicine before meals and on going to bed, making four doses each day. Turn the bottle up-side down once or twice before drawing the cork, at each dose. Don't shake the bottle. Read the directions on the circular around the bottle for instructions regarding the diet. Price \$2.00 per bottle James F. Ballard Proprietor St. Louis, Mo." The circular or pamphlet accompanying the article contained, among other things, the following: "Swayne's Panacea. This old Established, thoroughly tried remedy, is highly recommended by those who have used it for Scrofula, (or King's Evil), Ulcerous and White Swelling, Eruptions of the Skin, Blotches or Pimples of the Face, Obstinate or Scaly Eruptions, Boils which arise from an impure habit of Blood, Pains in the Bones, Weakened and Debilitated state of the system, arising either from a long and protracted case of sickness, or from having labored under an attack of Syphilis, the seeds of which still remain in the system, or having swallowed a great amount of drugs, etc., which may have affected the bones, or thin covering, called the periosteum, which sometimes give

rise to a chronic ulcerous discharge, and small bones occasionally come away; attacks of Rheumatism in consequence of an injured or an abused constitution; long standing Bilious affections; the pale and the sickly, or the bloated face, always indicate or require the use of this invaluable Panacea. Many patients who have labored under an affection of the Spine, Dropsy, Jaundice or Yellowness of the skin, Chronic affections of the Liver, Marasmus or Wasting of Flesh, Ulcerated Sore Throat, Hip Joint Complaint, in short the most loathsome diseases which have put other medicines at defiance, have been restored by this Panacea. * * * Syphilitic Diseases of Short or Long Standing.—Few medicines have proved so effectual in eradicating the last vestige of these dangerous complaints.”

Analysis of a sample of the article by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)-----	3.8
Solids (per cent)-----	62.74
Sucrose (per cent)-----	59.7
Ash (per cent)-----	0.38
Salicylic acid (gram per 100 cc)-----	0.10
Potassium and sarsaparilla: Present.	
Iodids and alkaloids: Absent.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, “Swayne’s Panacea * * * For Blood Diseases An effective treatment for Scrofula, * * * White Swelling, Syphilis, Disintegration of the Bones * * * Carbuncles, Ulcerated Sore Throat, Hip Joint Disease, * * *” and included in the circular or pamphlet aforesaid, to wit, “Swayne’s Panacea. * * * For Scrofula, (or King’s Evil), * * * White Swelling, * * * affection of the Spine, Dropsy, * * * Chronic affections of the Liver, Marasmus or Wasting of Flesh, Ulcerated Sore Throat, Hip Joint Complaint, * * * Syphilitic Diseases of Short or Long Standing,” were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a panacea for blood diseases; as a treatment for scrofula, white swelling, syphilis, disintegration of the bones, carbuncles, ulcerated sore throat, and hip joint disease, and as a cure for scrofula (or King’s Evil) and white swelling; for affections of the spine, dropsy, chronic affections of the liver, marasmus or wasting of flesh, ulcerated sore throat, hip joint complaint, and syphilitic diseases of short or long standing, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On November 2, 1915, the defendant entered a plea of guilty to the information and the court imposed a fine of \$30 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*